

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

ROBERTO SANDOVAL,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

CIVIL ACTION  
NO. 1:10-CV-4207-CAP

CRIMINAL ACTION  
NO. 1:05-CR-324-4

O R D E R

After carefully considering the report and recommendation of the magistrate judge, together with the objections thereto, the court receives it with approval and adopts it as the opinion and order of this court.

The court notes that the movant argues that the magistrate repeatedly stated that the movant himself, not trial counsel, failed to raise several issues on appeal and that this was incorrect. The movant argues that he himself had no responsibility to raise these issues, since he was represented by counsel. In reading the report and recommendation, the court finds it clear that the magistrate judge frequently referred to actions taken, or not taken, by the movant when, in fact, those actions were taken, or not taken, by counsel. When a party is represented by counsel, it is not unusual for counsel or the court to refer to a party with respect to actions taken by counsel. This is precisely what the

magistrate judge did in this case. There was no error in these statements by the magistrate judge.

SO ORDERED, this 15<sup>th</sup> day of November, 2011.

/s/ Charles A. Pannell, Jr.  
CHARLES A. PANNELL, JR.  
United States District Judge